

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KELLY NICOLE DESMOND-NEWMAN,
Derivatively on Behalf of CEMTREX,
INC.,

Plaintiff,

vs.

SAAGAR GOVIL, ARON GOVIL, RAJU
PANJWANI, SUNNY PATEL, and
METODI FILIPOV,

Defendants,

-and-

CEMTREX, INC.,

Nominal Defendant.

Lead Case No.:

2:18-cv-03992-JFB

**PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
DERIVATIVE SETTLEMENT**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT plaintiffs Kelly Nicole Desmond-Newman and Matthias Scharf ("Plaintiffs") will respectfully move this Court on May 22, 2019 at 1:30 pm, before the Hon. Joseph F. Bianco, for an order granting final approval of the proposed derivative settlement of the above-captioned action.

This Motion is supported by the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Proposed Derivative Settlement ("Final Approval MOL"), the Declaration of Thomas J. McKenna in Support of Plaintiffs' Motion for Final Approval of Proposed Derivative Settlement ("McKenna Final Approval Decl.") and the Stipulation of Settlement dated January 4, 2019 (D.E. 18-1), and all of the prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

Dated: May 1, 2019

Respectfully submitted,

GAINEY McKENNA & EGLESTON

By: /s/ Thomas J. McKenna

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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on May 1, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Thomas J. McKenna